

REMARKS/ARGUMENTS

Rejections Under 35 USC §103(a)

Claims 1-26 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,249,809 to Bro ("Bro"). Claims 1-26 remain pending in this application. In view of the amendments and remarks set forth herein, issuance of a timely Notice of Allowance is respectfully requested. Particularly, the claims have been amended to recite substantially simultaneous transmission of a voice stream and an audio stream, as well as substantially simultaneous transmission of a data stream and an audio stream.

The substantially simultaneous use of two modes of communication--one mode being the Internet and the other mode being a telephone line--represents an advantage over poor quality audio and video commonly experienced in video conferences. The present disclosure uses the advantages of both systems. Often, voice calls over the Internet experience delays and dropouts. Moreover, phone lines do not generally have sufficient bandwidth for video and data.

However, voice communication over the telephone offers excellent communication between the caregiver and primary user. Moreover, even where a video stream transmitted over the Internet might suffer from lack of bandwidth or transmission delays or dropouts, this is only a part of the virtual visit that occurs between the caregiver and primary user. The primary user may still be connected to the caregiver by voice. Such a connection may become useful, for example, in times of an emergency.

The Examiner cited Bro in order to reject all Claims 1-26 of the present disclosure. Bro does not teach or suggest at least the limitation of a substantially simultaneous transmission of video or data over the Internet with audio over a telephone line. Nowhere in Bro's disclosure does he recite such substantially simultaneous transmission. Bro discloses that video and audio messages may be provided by either the Internet or over a telephone line, but not both simultaneously.

Per Claim 8, Bro does not teach the use of a panic button. Bro teaches an interactive telecommunications system for conveying information, such as health awareness information, to an end user. As a supplement to the system, an expert or

authority figure may be added to provide for interactive exchange of information. However, Bro's system does not disclose assistance in emergency situations. Accordingly, even if Bro discloses wireless communication through a one-button dialer, this button is connected to a conventional pager. As such, the physician or other authority may not be immediately aware that the call is an emergency. The user would then have to wait for the physician or other authority figure to return the call prior to becoming aware that the event is an emergency. Therefore, Bro does not teach or suggest a panic button as set forth in Claim 8 of the present disclosure, as Bro is directed to more of a counseling aspect of a health care regimen. The present disclosure provides for use of a portable wireless device to assist in such emergency situations. As such, the present disclosure is more suitable for caregiving for the elderly and disabled, who may be particularly susceptible to emergencies and require an immediate response. On this basis, the obviousness rejection to Claim 8, both as originally filed and as currently presented through its dependency on amended Claim 1, have respectfully been overcome.

The claims have also been amended to correct minor typographical errors. Particularly, Claim 6 has been amended to recite --a third communication system-- instead of "a third communication system."

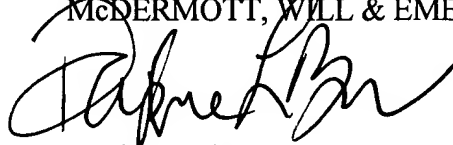
Conclusion

The undersigned respectfully submits that this application is in condition for allowance. Early and favorable reconsideration and allowance of this application is respectfully requested. If any outstanding issues might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call the representative of the assignee of the entire interest of this application at the telephone number shown below.

Appl. No. 09/803,406
Amdt. dated September 27, 2004
Reply to office action of August 26, 2004

If any petition for extension of time is deemed necessary, a petition under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'Daphne L. Burton', written over the printed name.

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